

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Innocent Rogers

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

G. R. Johnson

Officer Diaz (First name unknown)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section IV. Do not include
addresses here.)

Civ. Action No. 17 - 1860
(To be assigned by Clerk's
Office)

COMPLAINT
(Pro Se Prisoner)

Jury Demand?

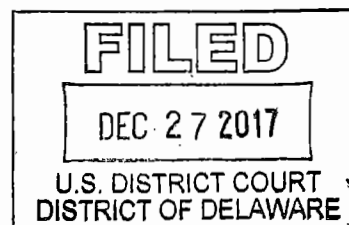
☐ Yes

☐ No

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.



(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

II. PLAINTIFF INFORMATION

Rogers Innocent E
Name (Last, First, MI) Aliases

00663877
Prisoner ID #

Sussex Correctional Institution
Place of Detention

Sussex Correctional Institution, P.O. Box 500
Institutional Address

Sussex County, Georgetown
County, City

DE
State

19947
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Officer Diaz (First name unknown)
 Name (Last, First)

Housing units / Block officer 8-4/4-2 shift
 Current Job Title

P.O. Box 500 Sussex Correctional Institution
 Current Work Address

Sussex County, Georgetown DE 19947
 County, City State Zip Code

Defendant 2: G. R. Johnson
 Name (Last, First)

Warden
 Current Job Title

P.O. Box 500 Sussex Correctional Institution
 Current Work Address

Sussex County, Georgetown DE 19947
 County, City State Zip Code

Defendant(s) Continued

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

County, City

State

Zip Code

V. STATEMENT OF CLAIM

Place(s) of
occurrence:

Sussex Correctional Institution, Pretrial Housing unit 5

Date(s) of occurrence: 4/20/2017, 5/17/2017, 6/4/2017, 10/19/17

State which of your federal constitutional or federal statutory rights have been violated:

Eighth Amendment - prohibition of cruel and unusual punishment
also protects your rights to safe and somewhat decent conditions in prison.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

What
happened to
you?

On the dates stated above I Innocent Rogers
was denied chow which in turn violated my
Eighth Amendment rights. I have problems
with my high blood pressure which I
take medication for which in turn I must
eat. I was deprived of a basic human
need which is also aggravated by my
medical condition (high blood pressure).

Who did
what?

On 4/20/2017 my first week on the Housing Unit (Pre-trial HU-S) and rather unfamiliar with the rules. I came out for chow and was told a piece of my t-shirt was hanging out of my pants. My shirt was tucked but Officer Diaz (First name unknown) insisted that he saw a piece of it hanging out, and denied me my chow. At first I just accepted as I'm a prisoner and he is the C.O. and he has the right to take from me what he wants. But after I seen him give others a warning who committed the same offense I had to wonder why I wasn't offered the same courtesy especially when it was my first time committing the offense.

5/12/2017 Me and my cellmate at the time Khalil Seward were unaware that our time was next for chow. When the door opened we came out a second or two late but not outrageously late. Still we were denied chow without a warning for our first time committing the offense. And again I seen him give this courtesy to other inmates on the Unit. 6/4/17 I walked out for chow and didn't notice at the time that my ID had fell because the clip was broke which secures it. Officer Diaz asked for my ID which I showed him the broken clip and explained that the ID fell. He ignored my plea and denied my chow.

10/19/17 I did not here Officer Diaz call my side for chow so I came out a second late. I was turned back around.

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

Was anyone
else
involved?

No only Officer Diaz (First name unknown)
was involved at the time besides those
who witnessed the incidents and my cellmate
at the time on the date of 5/12/2017

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Is there a grievance procedure available at your institution?

☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed?

☐ Yes ☒ No

If no, explain why not:

I put a grievance form after the second incident and have never been seen. I don't even think the grievance went through. I also spoke with the mental health nurse about the incident.

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I want monetary and punitive damages in the amount of \$350,000

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

☐ Yes ☒ No

Number each different lawsuit below and include the following:

-
- This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There is no handwriting or printed text on the page.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Plaintiff must sign and date the complaint and provide prison identification number and prison address.

Dated

Innocent E. Rogers
Plaintiff's Signature

Rogers, Innocent E
Printed Name (Last, First, MI)

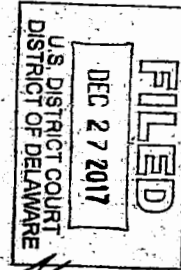
00063877
Prison Identification #

<i>Sussex Correctional Institution P.O. Box 500, Georgetown</i>	<i>DE</i>	<i>19947</i>
Prison Address	City	State Zip Code

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

UNIT 5
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 300
GEORGETOWN, DELAWARE 19947

663877



Clerk

U.S. District Court

Lockbox 18

844 N. King Street

Wilmington, DE 19801